

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID BUSBY,

Defendant.

Case No: CR 11-00188 SBA

**ORDER RE SUPPLEMENTAL
BRIEFING AND CONTINUING
MOTION HEARING**

Dkt. 17

Defendant David Busby is charged in a one-count Indictment with a violation of 18 U.S.C. § 2252(a)(4)(B)—Possession of Child Pornography. Defendant has filed a motion to suppress, which is scheduled for hearing on November 1, 2011. Upon reviewing the briefs submitted by the parties, the Court notes that Defendant's reply raises a number of new arguments and is supported by new authorities and evidence that were not presented with his moving papers. Accordingly,

IT IS HEREBY ORDERED THAT by no later than November 10, 2011, the Government shall file a surreply, not to exceed ten (10) pages, which *specifically* addresses the *new* arguments and evidence presented in Defendant's reply papers. The hearing on the motion is continued from November 10, 2011 to **December 5, 2011 at 11:00 a.m.** The Court, in its discretion, may resolve the motion without oral argument prior to the hearing date. Aside from the Government's surreply, no further briefs may be filed in connection with Defendant's motion to dismiss.

IT IS SO ORDERED.

Dated: November 3, 2011


SAUNDRA BROWN ARMSTRONG
United States District Judge